

AMENDED IN ASSEMBLY APRIL 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1553

Introduced by Assembly Member Yamada
(~~Coauthor: Assembly Member Brown~~)
(Coauthors: Assembly Members Brown and Eggman)
(Coauthors: Senators Jackson, Leno, and Mitchell)

January 27, 2014

An act to add Section 10232.98 to the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1553, as amended, Yamada. Long-term care insurance: premium basis.

Existing law provides that long-term care insurance includes any insurance policy, certificate, or rider advertised, marketed, offered, solicited, or designed to provide coverage for diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services that are provided in a setting other than an acute care unit of a hospital. Long-term care insurance includes all products containing any of the following benefit types: coverage for institutional care including care in a nursing home, convalescent facility, extended care facility, custodial care facility, skilled nursing facility, or personal care home; home care coverage including home health care, personal care, homemaker services, hospice, or respite care; or community-based coverage including adult day care, hospice, or respite care. Long-term care insurance includes disability-based long-term care policies but does not include insurance designed primarily to provide Medicare supplement or major medical expense coverage.

This bill would prohibit a long-term care insurance policy issued, amended, or renewed on or after January 1, 2015, from charging a different premium, price, or charge based on the sex of the contracting party, potential contracting party, or a person reasonably expected to benefit from the policy. *The bill would prohibit insurers issuing, amending, or renewing long-term care insurance policies on or after January 1, 2015, from reducing or eliminating benefits or coverage based on the sex of the contracting party, potential contracting party, or a person reasonably expected to benefit from the policy as a result of implementing these provisions.* The term “sex” would be defined for these purposes to mean a person’s gender, gender identity, and gender expression, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10232.98 is added to the Insurance Code,
- 2 to read:
- 3 10232.98. (a) ~~A long-term care insurance policy~~ *Long-term*
- 4 *care insurance, as defined in Section 10231.2,* issued, amended,
- 5 or renewed on or after January 1, 2015, shall not be subject to
- 6 premium, price, or charge differentials because of the sex of any
- 7 contracting party, potential contracting party, or person reasonably
- 8 expected to benefit from the policy as a policyholder, insured, or
- 9 otherwise.
- 10 (b) *As a result of the implementation of subdivision (a), insurers*
- 11 *issuing, amending, or renewing long-term care insurance on or*
- 12 *after January 1, 2015, shall not reduce or eliminate benefits or*
- 13 *coverage because of the sex of any contracting party, potential*
- 14 *contracting party, or person reasonably expected to benefit from*
- 15 *the policy as a policyholder, insured, or otherwise.*
- 16 ~~(b)~~
- 17 (c) For purposes of this section, the following terms have the
- 18 following meanings.
- 19 (1) “Sex” means a person’s gender, and includes a person’s
- 20 gender identity and gender expression.

- 1 (2) “Gender expression” means a person’s gender-related
- 2 appearance and behavior whether or not stereotypically associated
- 3 with the person’s assigned sex at birth.

O